

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 27TH DAY OF MAY 1998

BEFORE

THE HON'BLE MR. JUSTICE P. VISHWANATHA SHETTY

H.R.R.P. NO. 528/1997

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Venkappa Lachappa Yellur, aged about  
36 years, Occ:Private Service & Business,  
r/o Gopalpurgalli, Near Badikamar Road,  
BIJAPUR.

...PETITIONER

(By Sri.S.B.Sh<sup>o</sup>hapur, Adv. for petitioner)

- vs -

Dattatraya Shambarao Joshi, aged about  
41 years, Occ:Service, r/o Gopalpurgalli,  
Near Badikamar Road, BIJAPUR.

...RESPONDENT

\* \* \* \* \*

H.R.R.P. is filed u/s 115 of CPC against the  
order dtd. 17.1.97 passed in RRP.No.11/96 on the file  
of the Prl.Dist.Judge, Bijapur, dismissing the revision  
petition and confirming the order passed in HRC.No.  
151/87, dtd. 25.1.96 by the Prl.Munsiff, Bijapur  
allowing the petition filed u/s 21(1)(h) and (k) of  
KRC Act.

I.A.II FOR CLARIFICATION OF THE ORDER DATED 11.6.1997:

Application with an affidavit filed u/s 151  
of CPC, by Advocate for petitioner, praying

To clarification of the order  
dated 11.6.1997.

This H.R.R.P. along with I.A.II coming on for  
ORDERS this day, the Court made the following: -

PVSJ:

27-5-1998

H.R.R.P. No. 528 of 1997

ORDER ON I.A.No.II

P.VISHWANATHA SHETTY, J:

In the application-I.A.No.II, the learned Counsel for the petitioner has sought for clarification of the observations made in the course of the order at Paragraph-2.

2. Sri Shahapur, learned Counsel appearing for the petitioner, submitted that it is only on the basis of the submission made by him at the stage of admission of the revision petition, this revision petition came to be dismissed by granting 18 months' time to the petitioner for vacating the petition schedule premises. He pointed out that the respondent had filed caveat in person and he was not represented by any Counsel; but, by mistake, in Paragraph-2 of the order, it has been stated that the learned Counsel for the respondent has no objection for grant of 18 months' time to the petitioner. He further pointed out that Dattatreya S.Joshi did not appear for the respondent before this Court and the reference made in the cause title as



Sri Dattatreya S.Joshi, Advocate, appearing for the respondent, is also factually incorrect.

3. In the light of the said submission made by the learned Counsel for the petitioner, the observation made in paragraph-2 of the order is directed to be deleted. Further, the Office is also directed to delete the name of Sri Dattatreya S.Joshi as Advocate appearing for the respondent, from the cause title to the order.

4. Sri Shahapur, learned Counsel for the petitioner, also brought to my notice that the petitioner has failed to give an undertaking as directed by this Court in the course of the order; and as such, he is not entitled for the benefit of 18 months' time granted to him in the course of the order. The said submission made by Sri Shahapur is placed on record.



5. Since the petitioner has failed to give the undertaking, as stated above, it is needless to mention that the petitioner is not entitled for 18 months' time granted to him.

6. Accordingly, I.A.No.II is disposed of.

Sd/-  
JUDGE

ANB.